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Approved: James McKayJESSICA FEINSTEIN / JAMES MCKAY
Assistant United States AttorneysBefore: HONORABLE KEVIN NATHANIEL FOX
United States Magistrate Judge
Southern District of New York

AUG 19 2016

S.D. OF N.Y.

ORIGINAL

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UNITED STATES OF AMERICA: SEALED COMPLAINT

DOC #

- v. -

YONELL ALLUMS,
a/k/a "Unk,": Violation of 21 U.S.C.
§ 846, 18 U.S.C.
: § 924(c)(1)(A)(i)

Defendant.

: COUNTY OF OFFENSE:
NEW YORK, BRONX, AND
: WESTCHESTER----- x
SOUTHERN DISTRICT OF NEW YORK, ss.:

TENITRIS McINNIS, being duly sworn, deposes and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (the "ATF"), and charges as follows:

COUNT ONE
(Narcotics Conspiracy)

1. From in or about 2011 up to and including in or about August 2016, in the Southern District of New York and elsewhere, YONELL ALLUMS, a/k/a "Unk," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that YONELL ALLUMS, a/k/a "Unk," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that YONELL ALLUMS, a/k/a "Unk," the defendant, conspired to distribute and possess with the intent to distribute were (a) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(A), and (b) 280 grams and more of mixtures and substances containing a detectable amount of cocaine in a form commonly known as crack, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO
(Firearms Offense)

4. From at least in or about 2011, up through and including at least in or about August 2016, in the Southern District of New York and elsewhere, YONELL ALLUMS, a/k/a "Unk," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

(Title 18, United States Code, Section 924(c)(1)(A)(i).)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

5. I am a Special Agent with the ATF. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Since in or about 2015, law enforcement officials from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), the Drug Enforcement Administration ("DEA"), the United States Attorney's Office for the Southern District of New York

("USAO"), and other law enforcement agencies have been involved in a multi-agency investigation (the "Federal Investigation") of narcotics trafficking, firearms offenses, and acts of violence in the Bronx, New York, Harlem, New York, Yonkers, New York, and other locations.

7. As a part of the Federal Investigation, law enforcement agents have debriefed an individual ("CW-1").¹ Based on my conversations with CW-1 and my conversations with agents who have spoken to CW-1, and my review of notes of meetings with CW-1, I know that CW-1 has stated the following, in substance and in part:

a. CW-1 was a distributor of cocaine and crack cocaine, among other drugs, from at least in or about 2010 until at least in or about 2014.

b. From in or about 2011 to in or about 2013 (the "2011-2013 Time Period"), two of CW-1's primary sources of supply of cocaine were YONELL ALLUMS, a/k/a "Unk," the defendant, and one of ALLUMS' co-conspirators ("CC-1").

c. During the 2011-2013 Time Period, ALLUMS and CC-1 ran their drug business (the "ALLUMS DTO") together out of a grocery store (the "Store"), and a connected apartment (the "Apartment"), in Yonkers, New York.

d. During the 2011-2013 Time Period, on multiple occasions, CW-1 purchased between approximately 200 and 300 grams of powder cocaine from ALLUMS and CC-1 and then cooked it into crack cocaine before reselling it. Also on multiple occasions during the 2011-2013 Time Period, CW-1 cooked powder cocaine into crack cocaine on behalf of ALLUMS and CC-1, and did so in the Apartment.

e. On at least two occasions during the 2011-2013 Time Period, CW-1 observed ALLUMS possess a handgun while ALLUMS engaged in narcotics transactions in the vicinity of the Store and the Apartment.

¹ CW-1 has pleaded guilty to a federal narcotics-related offense and is providing information to law enforcement in the hope of obtaining leniency at sentencing. The information provided by CW-1 has proven reliable and has been corroborated by other information, including arrest records, seizures of narcotics, surveillance footage, and other witness statements.

f. During the 2011-2013 Time Period, CW-1 personally observed other individuals involved in the ALLUMS DTO carry handguns in the vicinity of the Store and the Apartment for the protection of the ALLUMS DTO and its members, including ALLUMS. In addition, during the 2011-2013 Time Period, CW-1 personally possessed handguns in the vicinity of the Store and the Apartment, so that the handguns would be available if needed to protect the drug distribution activities of the ALLUMS DTO, including ALLUMS, CC-1, and other co-conspirators.

8. As a part of the Federal Investigation, I have spoken with other agents who have met with another individual ("CW-2").² Based on my conversations with agents who have spoken to CW-2 and my review of notes of meetings with CW-2, I know that CW-2 has stated the following, in substance and in part:

a. From at least in or about 2012 through at least in or about at least 2013 (the "2012-2013 Time Period"), CW-2 worked with CW-1 to distribute cocaine, crack cocaine, and other drugs. During the 2012-2013 Time Period CW-2 transported drugs from the Bronx, New York, and Yonkers, New York, to other locations for resale, and personally transported, or arranged for the transportation of, the drug proceeds from those sales in other locations back to the Bronx, New York and Yonkers, New York, among other locations.

b. On at least two occasions during the 2012-2013 Time Period, at the direction of CW-1, CW-2 brought money from the sale of the drugs, in the form of United States currency, and gave it to YONELL ALLUMS, a/k/a "Unk," the defendant, in the vicinity of the Store. On one of these occasions, CW-2 did not see ALLUMS in the Store, and CC-1 told CW-2 where to find ALLUMS; following CC-1's direction, CW-2 found ALLUMS and delivered the money to ALLUMS.

c. On at least one occasion during the 2012-2013 Time Period, at the direction of CW-1, CW-2 met ALLUMS in the vicinity of the Store and obtained a quantity of cocaine from ALLUMS, which CW-2 later delivered to CW-1.

² CW-2 has pleaded guilty to a federal narcotics-related offense and is providing information to law enforcement in the hope of obtaining leniency at sentencing. The information provided by CW-2 has proven reliable and has been corroborated by other information, including arrest records, seizures of narcotics, and other witness statements.

d. On at least one occasion during the 2012-2013 Time Period, at the direction of CW-1, CW-2 brought two handguns to the vicinity of the Store, where CW-2 gave the handguns to CW-1. CC-1 was present when CW-2 gave the handguns to CW-1 in the vicinity of the store.

9. Based on my conversations with CW-1, and my conversations with others who have spoken with CW-1, and my review of notes of meetings other law enforcement officers had with CW-1, I also know that, in or about 2012 or 2013, CW-1 purchased cocaine from a supplier in Harlem (the "Harlem Supplier").³

10. Between in or about March 2015 and in or about June 2015 (the "Period of Interception"), law enforcement officers intercepted communications over a cellular phone used by the Harlem Supplier pursuant to a judicially authorized order of interception. Based on my review of those recordings and my conversations with other law enforcement officers, I believe that, during the Period of Interception, YONELL ALLUMS, a/k/a "Unk," the defendant, was intercepted having drug-related conversations with the Harlem Supplier. For example:

a. On or about April 17, 2015, the Harlem Supplier placed a call to the telephone number 917-407-6848 (the "ALLUMS Number") (the "April 17 Call"). I know, based on my review of the results of a consensual search on CW-1's phone (the "CW-1 Phone"), that the ALLUMS Number is saved in the CW-1 Phone under the name "Unk"; CW-1 has identified the ALLUMS Number as the cellphone number used by ALLUMS. In addition, during the April 17 Call, the person speaking to the Harlem Supplier references plans for the speaker's 50th birthday; I know, based on a review of his criminal history record, that at the time of the April 17 Call, ALLUMS was 49 years old. Furthermore, law enforcement officers played the April 17 Call for CW-1, who identified the participants as the Harlem Supplier and ALLUMS; specifically, CW-1 identified ALLUMS as the speaker using the ALLUMS Number during the April 17 Call. Accordingly, I believe that the Harlem Supplier was speaking to ALLUMS during the April 17 Call.

³ The Harlem Supplier has pleaded guilty to narcotics-related offenses in this District.

b. During the call, the following conversation took place, in substance and in part⁴:

Harlem Supplier: I got your bottles sitting in the back of the truck, sitting there on ice, cuz you know that shit come with a refrigerator.

ALLUMS: You should come up there and drop it off. . . . What kind of refrigerator, the Benz have a refrigerator?

Harlem Supplier: Yeah, that shit come in the backseat somewhere.

ALLUMS: Yeah, I was thinking about that. Because I got this Honda Odyssey van too, and it got a refrigerator in it too.

The two men then laughed.

c. Based on my training and experience and the context of the conversation, I believe that ALLUMS and the Harlem Supplier did not in fact both have refrigerators in their cars, but rather "refrigerator" was a code word for a secret compartment or a "trap," often installed in cars for the purpose of concealing drugs and other contraband. Accordingly, I believe that when the Harlem Supplier told ALLUMS that he had ALLUMS's "bottles" in the "refrigerator" in his car, I believe he in fact was referring to narcotics ("bottles") concealed in a trap (the "refrigerator") in his car.

⁴ All quotations are based on a review of preliminary transcriptions, and are not official transcriptions.

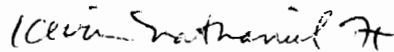
WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of YONELL ALLUMS, a/k/a "Unk," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



TENITRIS MCINNIS
Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

Sworn to before me this
~~18th~~ day of August, 2016.

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THE HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK